

**DECLARATION UNDER 37 CFR §1.131**

The undersigned inventors declare and state as follows:

1. We are the inventors of U.S. reissue patent application serial number 09/881,410, filed June 14, 2001, entitled "Method and Apparatus for Providing a Private Communication System in a Public Switched Telephone Network", which is based on U.S. patent number 5,912,882, having the same title, filed on February 1, 1996.
2. We had conceived our invention prior to the effective date of U.S. patent number 6,353,611 to Norris et al. and prior to the effective date of U.S. patent number 5,717,830 to Sigler et al., and were diligent in reducing our invention to practice from a time before the effective date of those references until a patent application was filed on February 1, 1996. This is evidenced by the following:
  - (a) ATTACHMENT A: A facsimile correspondence between Kevin J. Zimmer, an outside patent attorney for Qualcomm Incorporated (our employer at the time), and Byron Yafuso (one of the inventors), contains a set of drawings substantially similar to the final drawings in the 5,912,882 patent. The facsimile is dated prior to the effective dates of both the Norris and Sigler references.
  - (b) ATTACHMENT B: A subsequent draft patent application, dated after the effective dates of both references, evidences our diligence in constructively reducing the invention to practice. The subsequent draft patent application is substantially similar to the patent application that was ultimately filed on February 1, 1996.
  - (c) ATTACHMENT C: A facsimile correspondence, dated after the effective dates of both references, and also dated after the draft patent application referenced in (b), above, between Kevin J. Zimmer and Byron Yafuso, shows ongoing efforts in constructive reduction to practice. The correspondence refers to feedback

provided by Mr. Yafuso, and further includes a full set of claims, numbered 1-29, drafted by Mr. Zimmer.

- (d) Accordingly, the invention set forth in claims 23-44 was conceived prior to the effective date of the references, and we were diligent in reducing our invention to practice from a time before the effective date of the references until a patent application was filed on February 1, 1996. As such, neither reference is available as prior art against any of claims 23-44.

We hereby acknowledge that all statements made of our own knowledge are true and that all statements made on information and belief are believed to be true; and further acknowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED:

4/3/03  
BYRON Y. YAFUSO

DATED:

7/2/03  
MATTHEW S. GROB

DATED:

6/10/03  
STEVEN L. ROGERS

DATED:

  
ERIC J. LEKVEN

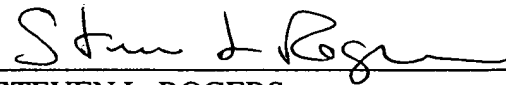
provided by Mr. Yafuso, and further includes a full set of claims, numbered 1-29, drafted by Mr. Zimmer.

- (d) Accordingly, the invention set forth in claims 23-44 was conceived prior to the effective date of the references, and we were diligent in reducing our invention to practice from a time before the effective date of the references until a patent application was filed on February 1, 1996. As such, neither reference is available as prior art against any of claims 23-44.

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DATED: 6/3/03   
BYRON Y. YAFUSO

DATED: 6/3/03 \_\_\_\_\_  
MATTHEW S. GROB

DATED: 6/10<sup>th</sup>/03   
STEVEN L. ROGERS

DATED: 6/24/03   
ERIC J. LEKVEN